

**IN THE UNITED STATES BANKRUPTCY COURT
FOR DISTRICT OF DELAWARE**

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CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

In Re: W.R. GRACE & COMPANY,

Debtor,

TIG INSURANCE COMPANY, a California
Corporation,

Plaintiff,

v.

GARY SMOLKER, an individual, and ALICE
SMOLKER, an individual, and DOES 1-10,
inclusive,

Defendant.

AND RELATED CROSS-ACTIONS
CONCERNING HOME SAVING TERMITE
CONTROL, INC. and W.F. MORRIS

Chapter 11

Case No. 01-01139

Motion Number: 159

**RE-NOTICE OF MOTION OF HOME SAVING TERMITE CONTROL, INC., AND
WAYNE MORRIS FOR ORDER GRANTING RELIEF FROM AUTOMATIC STAY
UNDER SECTION 362 OF THE BANKRUPTCY CODE, DOCKET ITEM NUMBER 159**

TO: The attached service list.

The Movant has previously filed a Motion for Relief from Stay which seeks the following relief:

- (1) Moving parties are permitted to take discovery against certain individuals and persons most knowledgeable from Debtor in an on going state action in order to defend a products liability suit asserted against Movant;
- (2) Debtors' employees may be called as witnesses in an on going state action; and
- (3) Moving party may file a Cross-Complaint for indemnity against the Debtor, to the extent of any available insurance coverage.

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This motion was previously on calendar for Thursday, June 21, 2001, at 4:00 p.m. A preliminary injunction was brought by Grace seeking to enjoin the Smolker vs. Home Savings Termite Control, Grace Davison action in its entirety. Said motion was heard by the court on June 21, 2001 and is presently under submission.

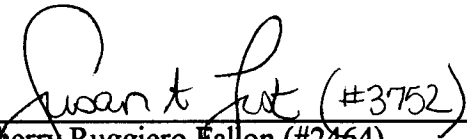
Smolker vs. Home Savings Termite Control, Grace Davison has been removed to Federal Court and is presently before Bankruptcy Judge Bluebon in Department 1475 of the United States Bankruptcy Court for the Central District of California. Judge Bluebon is set to either transfer Smolker products liability action, pursuant to motion by Grace, to the U.S. District Court in Delaware; or, alternatively, to remand the products liability suit back to the Los Angeles Superior Court, Central District. Judge Bluebon is set to rule on the matter on or before July 13, 2001.

Should the preliminary injunction not be granted, joining the Smolker's product liability action, Home Savings Termite Control hereby gives notice that its motion for relief from the Automatic Stay shall be heard on Thursday, July 19, 2001, at 12:00 p.m.. You are required to file a response and the supporting documentation required by Local Rule 4001-1(d) to the attached motion at least five (5) business days before the hearing date. Debtor has previously filed Docket Item No.: 326

At the same time, you must also serve a copy of the response upon Movant's attorneys.

The hearing date specified above may be a preliminary hearing or may be consolidated with the final hearing as determined by the court. The hearing may also be made moot as a result of the court granting the preliminary injunction previously heard on or about Thursday, June 21, 2001 and presently under submission.

The attorneys for the parties shall confer with respect to the issues raised by the Motion in advance for the purposes of determining whether a consent judgment may be entered and/or for the purpose of stipulating to relevant facts such as the value of the property and the extent and validity of any security instrument.


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SERVICE LIST

***TIG INSURANCE COMPANY vs. GARY SMOLKER, et al.
LASC, Central District, Case No. BC 173 952***

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CERTIFICATE OF SERVICE

I, SHERRY RUGGIERO FALLON, certify that I am not less than 18 years of age; that service of the attached document was made on the individuals and/or entities below on the 27th day of June, 2001 by first class mail in accordance with BR 7004:

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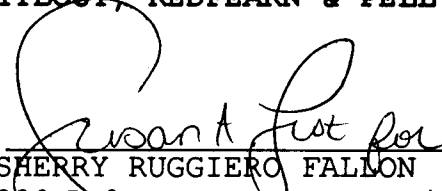
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